

SENATE BILL NO. 32

BY SENATORS CROWE, JOHNS, PETERSON AND GARY SMITH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To enact Code of Criminal Procedure Arts. 871.2 and 875(F), relative to veterans convicted  
3 of a crime; to authorize a presentence inquiry of the veteran's status; to provide for  
4 presentence investigations of veterans; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Criminal Procedure Arts. 871.2 and 875(F) are hereby enacted  
7 to read as follows:

8 Art. 871.2 Presentence inquiry of veteran status

9 Prior to the imposition of a sentence, the court may inquire and receive  
10 response, orally or in writing, whether the convicted defendant is currently  
11 serving in or is a veteran of the armed forces of the United States. If the  
12 convicted defendant is currently serving in the military or is a veteran, the court  
13 may order a presentence investigation pursuant to Code of Criminal Procedure  
14 Art. 875(F) to determine whether military and veteran resources are available.

15 \* \* \*

16 Art. 875. Presentence investigation; juvenile records; drug screening; veterans

17 \* \* \*

18 F. If a convicted defendant is currently serving in the military or is a  
19 veteran and has been diagnosed as having a mental illness by a qualified  
20 psychiatrist or clinical psychologist or physician, the court may order a  
21 presentence investigation pursuant to this Article. In conducting the  
22 presentence investigation, the Department of Public Safety and Corrections,  
23 division of probation and parole, in addition to the requirements of Paragraphs  
24 A through E of this Article, shall:

- 1                   (1) Consult with the United States Department of Veterans Affairs,  
2                   Louisiana Department of Veterans Affairs, or another agency or person with  
3                   suitable knowledge or experience, for the purpose of providing the court with  
4                   information regarding treatment options available to the convicted defendant,  
5                   including federal, state, and local programming.
- 6                   (2) Consider the treatment recommendations of any diagnosing or  
7                   treating mental health professionals together with the treatment options  
8                   available to the defendant in imposing a sentence.

---

PRESIDENT OF THE SENATE

---

SPEAKER OF THE HOUSE OF REPRESENTATIVES

---

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_